

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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JUN 25 1992

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
The Use of N11 Codes and Other )  
Abbreviated Dialing Arrangements )

CC Docket No. 92-105

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

COMMENTS  
OF  
MOBILE TELECOMMUNICATION TECHNOLOGIES CORPORATION

Mobile Telecommunication Technologies Corporation ("Mtel"), by its attorneys, hereby files its comments in response to the Notice of Proposed Rulemaking in the above-referenced proceeding.<sup>1</sup> As is discussed below, Mtel supports efforts to expedite assignment of N11 codes on a non-discriminatory basis.

I. STATEMENT OF INTEREST

Mtel has long been an innovative and leading provider of messaging services. Through its SkyTel™ and Mtel International subsidiaries, Mtel provides nationwide paging service to more than 140,000 subscribers across the United States and overseas. Mtel's recent accomplishments include the first 2400 bps simulcast messaging technology and providing nationwide one-way wireless electronic mailbox ("e-mail") service to AT&T Safari™ and HP95LX computers through the SkyTel™ network. In addition, Mtel has

<sup>1</sup> The Use of N11 Codes and Other Abbreviated Dialing Arrangements, CC Docket No. 92-105, FCC 92-203 (released May 6, 1992).

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filed a Petition for Rulemaking and Request for Pioneer's Preference for a new Nationwide Wireless Network ("NWN") service. NWN will use innovative enhanced modulation techniques and an innovative advanced dynamic frequency management scheme to provide highly efficient, two-way messaging capabilities for laptop, palmtop, and other portable computing devices.

Currently, subscribers and users of Mtel's nationwide paging service obtain access by dialing an 800 number. Because of the significant efficiencies that would be gained from an abbreviated dialing arrangement, Mtel recently requested the BOCs, GTE, and Bellcore to assign it the 511 code for nationwide access to its SkyTel and NWN services.<sup>2</sup> Accordingly, Mtel has a strong interest in the Commission's proposal to adopt rules regarding the assignment of abbreviated dialing codes.

II. THE COMMISSION SHOULD REQUIRE THE PROMPT ASSIGNMENT OF N11 CODES FOR SERVICES THAT WILL PROVIDE THE BROADEST PUBLIC INTEREST BENEFITS.

The availability of N11 codes and other abbreviated dialing arrangements may yield substantial public interest benefits. When identified with particular services, these codes can be powerful

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<sup>2</sup> See Attachment A hereto. To date, Mtel has received two responses: U S West sent a letter, which is included as Attachment B hereto, stating that "[u]ntil the Commission directs a specific approach for the assignment of N11 codes to the public or until [U S West] has developed an assignment process and is able to make available an N11 number product, [U S West] will not be assigning N11 codes in its service area." Southwestern Bell asked to meet with Mtel to discuss its request.

marketing tools, increase subscribership to innovative and advanced offerings, and significantly benefit users by permitting faster, more efficient access.

As the Notice recognizes, most N11 codes (except 411, 911, and in some areas, 611 and 811) have been reserved for possible use as area codes.<sup>3</sup> However, the introduction of interchangeable NPAs in 1995 will alleviate the shortage of numerical combinations usable as area codes, and there appear to be enough N0/1X codes remaining to satisfy NPA demand until that time. Accordingly, there is no need to delay allocating N11 codes as abbreviated dialing arrangements for deserving services, as long as the codes are made available on a non-discriminatory basis under ground rules that promote efficient use.

A. N11 Codes Should be Assigned in a Non-Discriminatory Manner Pursuant to Principles that Maximize the Benefits of Abbreviated Dialing.

1. The LECs Should Not Be Responsible For N11 Code Assignments.

The Notice assumes, without discussion, that the RBOCs and GTE will continue to control the allocation of N11 access codes, just as they currently are responsible for assigning NXX codes.<sup>4</sup> Indeed, the Notice proposes that the LECs "should be permitted to

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<sup>3</sup> Notice at ¶ 8.

<sup>4</sup> Id. at ¶ 16.

select any reasonable allocation mechanism" to assign N11 codes.<sup>5</sup> Mtel strongly opposes giving the LECs any responsibility for assigning these codes, let alone the tremendous discretion that would be conferred by the Notice.

The LECs' status as potential and current users of N11 codes gives them a disqualifying conflict of interest with respect to code assignments. The record compiled in response to NARUC's request for an inquiry into the administration of the NANP compellingly demonstrates that the LECs (and Bellcore) cannot be relied upon to assign numbering resources in an equitable manner, no matter how good their intentions may be. Even with respect to NXX codes -- which on a nationwide basis are hundreds of times more plentiful than N11 codes -- the LECs have often discriminated against competitors (particularly in the mobile services industry).<sup>6</sup> These problems would be exacerbated for scarce N11 codes. Consequently, allowing the LECs to allocate these codes, particularly with the discretion to develop disparate and idiosyncratic allocation schemes, would be directly contrary to the public interest.

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<sup>5</sup> Id.

<sup>6</sup> For example, the record in the NARUC proceeding details numerous instances of LECs withholding NXX codes from cellular and paging competitors, requiring competitors to disclose proprietary information, and applying higher standards to code requests from competing mobile service providers.

2. The Commission Should Assign N11 Codes Pursuant to Guidelines That Ensure Their Most Efficient and Beneficial Use.

To ensure expeditious and fair assignments, Mtel believes that the Commission should assume responsibility for allocating N11 codes.<sup>7</sup> To this end, the Commission should release a public notice specifying that all requests for N11 codes must be filed by a certain date. If there are more requests than available codes, then the Commission should make assignments based on the following criteria, which are intended to maximize the consumer benefits of N11 codes:

First, codes should not be restricted to enhanced services.<sup>8</sup> Although the issue of N11 availability happened to arise as the consequence of a request by an enhanced service provider, the users of many other telecommunications applications would benefit from N11 access. Consequently, the provider of any application that satisfies the other recommended criteria should be eligible to receive a N11 code.

Second, codes should be assigned in a manner that accommodates

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<sup>7</sup> In response to both NARUC's petition and Bellcore's request for comments on its long-range numbering proposal, many parties recommended that numbering policy and assignments should be made by an independent, fully representative entity. Mtel supports this recommendation, and suggests that future assignments of abbreviated dialing arrangements could be made by that entity. Because establishing such a body will take time, however, the Commission should take upon itself the responsibility for allocating N11 codes until the independent entity has been established.

<sup>8</sup> See Notice at ¶ 14.

nationwide services.<sup>9</sup> Because N11 codes are extremely scarce resources, assignment to nationwide services is likely to benefit the largest number of users. Any codes not assigned to nationwide services should be allocated to regional or local uses on a nationally consistent basis. That is, just as 411 denotes local directory assistance and 911 denotes emergency response service throughout the country, other N11 codes should have the same meaning nationwide. In this manner, users across the United States can expect that dialing a particular N11 code, such as 211, will result in access to the same type of service no matter where they are located. This will minimize customer confusion and enhance the value of N11 codes.

Third, N11 codes should be assigned to entities that can make immediate and substantial use of them. Assignments to new and unproven services could waste a scarce resource and deprive the public of the considerable benefits of these unique abbreviated dialing arrangements.

B. Transfers of N11 Codes Should Not be Permitted Except in Limited Circumstances.

The Notice asks whether holders of N11 codes should be allowed

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<sup>9</sup> The states should have no role in the assignment of codes for nationwide services. See Notice at ¶ 17. If codes remain after requests for national assignments have been satisfied, the states could determine which entities should receive them, so long as the uses to which the codes will be put comply with FCC rules designed to ensure consistent use of codes nationwide.

to sell or transfer them.<sup>10</sup> Mtel opposes the transfer of N11 codes, except in conjunction with mergers or acquisitions involving the entity to which the code has been assigned. If the codes were transferable, they likely would end up in the hands of the LECs, because these carriers can afford to pay the most for them. The LECs should be eligible to receive initial assignments of N11 codes for qualifying services. It would not be sound policy, however, to allow the LECs to buy up these codes -- and thereby gain a substantial competitive advantage -- using revenues gained from their local exchange monopolies.

C. Codes Should Be Recalled For Use As NPAs Only Upon Clear Demonstration Of Need And After One Year's Notice.

Mtel supports the Commission's conclusion that N11 codes should be made available for abbreviated dialing, unless and until it becomes necessary to use them as geographic area codes.<sup>11</sup> The Commission should recognize, however, that there is little likelihood that N11 codes will need to be assigned as NPAs in the next two and one-half years (before the introduction of interchangeable NPAs). At present, five N00 codes remain unused, and these can be assigned in advance of N11 codes. In addition,

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<sup>10</sup> Notice at ¶ 15.

<sup>11</sup> NPRM at ¶ 13. In addition, while Mtel agrees that the use of other abbreviated dialing arrangements should be explored, see Notice at ¶ 19, this matter should be considered in a separate phase of this proceeding in order to avoid delaying the allocation of N11 codes.

several central office codes, such as 936 (weather), 844 (time), and codes reserved for plant tests are greatly under-utilized.<sup>12</sup> These codes should be reassigned for general use before all non-N11 NPAs are considered exhausted. Finally, NPA exhaust is anticipated far in advance. Accordingly, it should be apparent today whether N11 codes will need to be assigned as NPAs before 1995.

Of course, it is possible that an unanticipated surge in demand for numbers might require N11 codes to be recalled for use as NPAs. If so, Bellcore should clearly demonstrate that no feasible alternative exists, and the notice time for recall should be at least one year. A one year period would be more than adequate for NANP administration purposes, since planning for NPA exhausts generally takes much longer than twelve months. In addition, the six-month period proposed by BellSouth would be entirely inadequate for holders of N11 codes to ensure a smooth transition for their subscribers.<sup>13</sup>

D. Other Issues Raised by the Notice Should be Resolved in A Manner that Expands the Availability of N11 Codes.

1. 611 and 811 Should Be Assigned for Nationwide Use.

Some telephone companies currently use 611 as an access number

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<sup>12</sup> In many areas of the country, all 10,000 line numbers under these NXXs are dedicated to one use. For example, in the Washington, D.C. area, dialing 936 plus any four digits will reach the recorded weather announcement, and dialling 844 plus any four digits will reach the recorded time announcement. This is a tremendous waste of NANP resources.

<sup>13</sup> See Notice at ¶ 13 n.6.

for repair services and 811 as an access number for the business office. As the Notice implicitly recognizes,<sup>14</sup> this is not "an efficient use of limited numbering resources that serves an important public purpose." Repair services and business office services could readily be accommodated by the use of traditional 7-digit local numbers (perhaps from the under-utilized 936 or 844 NXXs), thus releasing these valuable N11 codes for more efficient, nationwide applications. Accordingly, Mtel recommends that 611 and 811 be assigned consistently with the other N11 codes under consideration.

2. 411 Should Be Made Available To Competing Providers  
Of Local Directory Services.

Mtel concurs with the Commission that the current uses of 411 and 911 provide considerable public benefits and should not be disturbed.<sup>15</sup> The Commission should recognize, however, that the incumbent LECs do not "own" 411. Accordingly, if a LEC expands the use of 411 directory assistance to provide enhanced services, this code should be made available to other enhanced service providers (ESPs) on a non-discriminatory basis. In addition, where an alternative provider of local directory service exists, the Commission should consider means of allowing competitive use of the 411 code.

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<sup>14</sup> Id. at ¶ 12.

<sup>15</sup> Notice at ¶ 11.

III. CONCLUSION

For the foregoing reasons, Mtel urges the Commission to adopt rules promoting the expeditious, non-discriminatory assignment of N11 codes. These rules should accommodate the assignment of codes to nationwide services with a large number of users. Any codes not assigned to nationwide services should be allocated to regional or local services on a nationally consistent basis.

Respectfully submitted,

MOBILE TELECOMMUNICATION  
TECHNOLOGIES CORPORATION

By: R. Michael Senkowski  
R. Michael Senkowski  
Jeffrey S. Linder  
WILEY, REIN & FIELDING  
1776 K Street, N.W.  
Washington, DC 20006  
(202) 429-7000

Its Attorneys

June 5, 1992